

Steve W. Berman (*pro hac vice*)  
Mark S. Carlson (*pro hac vice*)  
Jerrod C. Patterson (*pro hac vice*)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
steve@hbsslaw.com  
markc@hbsslaw.com  
jerrodp@hbsslaw.com

Rio S. Pierce, CBA No. 298297  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
riop@hbsslaw.com

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

REARDEN LLC, REARDEN MOVA LLC,  
  
Plaintiffs,

v.

DISNEY ENTERPRISES, INC., a Delaware corporation, DISNEY STUDIO PRODUCTION SERVICES CO., LLC f/k/a WALT DISNEY PICTURES PRODUCTION, LLC, a California limited liability company, WALT DISNEY PICTURES, a California corporation, MARVEL STUDIOS, LLC a Delaware limited liability company, MVL PRODUCTIONS LLC, a Delaware limited liability company, CHIP PICTURES, INC., a California corporation, INFINITY PRODUCTIONS LLC, a Delaware limited liability company, ASSEMBLED PRODUCTIONS II LLC, a Delaware limited liability company,

Defendants.

Case No. 4:17-cv-04006-JST

**DECLARATION OF MARK S. CARLSON IN SUPPORT OF PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

Date: October 12, 2023  
Time: 2:00 p.m.  
Judge: Hon. Jon S. Tigar  
Ctm.: 6 (2nd Floor)

1 I, MARK CARLSON, declare as follows:

2 1. I am an attorney with Hagens Berman Sobol Shapiro LLP, and I am one of the firm's  
3 lawyers representing the plaintiffs in this case. I have personal knowledge of the facts stated in this  
4 declaration except as expressly stated otherwise, and I could testify with respect to those facts under  
5 oath if called upon to do so.

6 2. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the June 30,  
7 2023 Dr. Stephen Lane deposition transcript, which I have highlighted to show the cited testimony.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of an email from Jeannie Lum  
9 to Kevin Mayer, et al. dated October 15, 2008 and produced in this litigation as DIS-REARDEN-  
10 0015535.

11 4. Attached hereto as Exhibit 3 is a true and correct copy of an email from Kevin Mayer  
12 to bobI123@aol.com dated October 30, 2003 and produced in this litigation as DIS-REARDEN-  
13 0015383.

14 5. Attached hereto as Exhibit 4 are true and correct copies of excerpts from the February  
15 10, 2023 Kevin Mayer deposition transcript, which I have highlighted to show the cited testimony.

16 6. Attached hereto as Exhibit 5 is a true and correct copy of an Outlook Appointment  
17 from Jeannie Lum dated October 28, 2008 and produced in this litigation as DIS-REARDEN-  
18 0015566.

19 7. Attached hereto as Exhibit 6 is a true and correct copy of an excerpt from an OnLive  
20 PowerPoint presentation produced in this litigation as DIS-REARDEN-0015438.

21 8. Attached hereto as Exhibit 7 are true and correct copies of excerpts from an OnLive  
22 PowerPoint presentation produced in this litigation as REARDEN\_MOVA00011617.

23 9. Attached hereto as Exhibit 8 is a screengrab of the closing credits from The Incredible  
24 Hulk.

25 10. Attached hereto as Exhibit 9 are excerpts from the document titled MPAA Site  
26 Security Program Content Security Best Practices Common Guidelines, which I have highlighted to  
27 show the relevant portions.

1           11. Attached hereto as Exhibit 10 is a true and correct copy of Circular 61 from the  
2 United States Copyright Office governing copyright registration of computer program.

3           12. Attached hereto as Exhibit 11 are true and correct copies of excerpts from the March ,  
4 2023 Steve Perlman deposition transcript, which I have highlighted to show the cited testimony.

5           13. Attached hereto as Exhibit 12 is a true and correct copy of the MPAA Site Security  
6 Program: Pre-Site Questionnaire produced in this litigation as REARDEN\_MOVA115367.

7           14. Attached hereto as Exhibit 13 is a true and correct copy of the MPAA Site Security  
8 Program: Pre-Site Questionnaire produced in this litigation as REARDEN\_MOVA166285.

9           15. Attached hereto as Exhibit 14 is a true and correct copy of the MPAA Site Security  
10 Program: Pre-Site Questionnaire produced in this litigation as REARDEN\_MOVA169729.

11           16. Attached hereto as Exhibit 15 is a true and correct copy of an email from Justin  
12 Warbrooke to Kevin Mayer dated October 3, 2012 and produced in this litigation as DIS-  
13 REARDEN-0015479.

14           17. Attached hereto as Exhibit 16 is a true and correct copy of an excerpt from the Bench  
15 Trial Proceedings filed in *Shenzhen Shi Haitiecheng Science and Technology Co., Ltd. v. Rearden*  
16 *LLC et al.* (Case No. 4:15-cv-00797-JST) dated December 5, 2016. I highlighted this document to  
17 show the portions cited in the brief.

18           18. Attached hereto as Exhibit 17 is a true and correct copy of a letter from Eric Tate to  
19 Greg LaSalle dated March 27, 2013 and produced in this litigation as DIS-  
20 REARDEN\_MOVA019733.

21           19. Attached hereto as Exhibit 18 are true and correct copies of excerpts from the  
22 February 14, 2023 Gregory LaSalle deposition transcript, which I have highlighted to show the cited  
23 testimony.

24           20. Attached hereto as Exhibit 19 is a true and correct copy of an article from The  
25 Hollywood Reporter titled “Oscars SciTech Awards Hit by Visual Effects Credit Dispute  
26 (Exclusive)” dated February 6, 2015.

21. Attached hereto as Exhibit 20 are true and correct copies of an excerpt from the March 3, 2023 David Taritero as 30(b)(6) designee of Walt Disney Pictures deposition transcript, which I have highlighted to show the portions cited in the brief.

22. Attached hereto as Exhibit 21 is a true and correct copy of an email from Gregory LaSalle to Richard Noack et al dated March 26, 2013 and produced in this litigation as REARDEN\_MOVA029712.

23. Attached hereto as Exhibit 22 is a true and correct copy of an excerpt from the Visual Effects Services Agreement between Chip Pictures, Inc. and Digital Domain Productions 3.0 dated March 31, 2015 and produced in this litigation as REARDEN-FEINSILBER-0005705. I highlighted this document to show the portions cited in the brief.

24. Attached hereto as Exhibit 23 is a true and correct copy of an email from Justin Warbrooke to Scott Hilleboe et al dated October 21, 2008 and produced in this litigation as DIS-REARDEN-0015648.

25. Attached hereto as Exhibit 24 are true and correct copies of excerpts from the July 29, 2020 William Condon deposition transcript, which I have highlighted to show the cited testimony.

26. Attached hereto as Exhibit 25 is a true and correct copy of the contract between Bill Condon and Walt Disney Pictures dated October 10, 2014 and produced in this litigation as DIS-REARDEN-0028417.

27. Attached hereto as Exhibit 26 are true and correct copies of excerpts from the March 4, 2023 Steve Gaub deposition transcript, which I have highlighted to show the cited testimony.

28. Attached hereto as Exhibit 27 is a true and correct copy of an email from Steve Gaub to Paul Wagner et al dated June 28, 2016 and produced in this litigation as REARDEN-FEINSILBER-0001447.

29. Attached hereto as Exhibit 28 are true and correct copies of excerpts from the July 30, 2020 William Condon deposition transcript, which I have highlighted to show the cited testimony.

30. Attached hereto as Exhibit 29 are true and correct copies of excerpts from the March 11, 2020 Mimi Steele deposition transcript, which I have highlighted to show the cited testimony.

1           31. Attached hereto as Exhibit 30 are true and correct copies of excerpts from the  
2 February 13, 2023 Mimi Steele deposition transcript, which I have highlighted to show the cited  
3 testimony.

4           32. Attached hereto as Exhibit 31 is a true and correct copy of an email from Darren  
5 Hendler to Greg LaSalle et al dated June 28, 2016 and produced in this litigation as WD-DD3-  
6 GL0000739.

7           33. Attached hereto as Exhibit 32 is a true and correct copy of an email from Amir Azar  
8 to Joe D'Amato et al dated June 29, 2016 and produced in this litigation as WD-DD3-GL0000841.

9           34. Attached hereto as Exhibit 33 are true and correct copies of excerpts from the  
10 February 16, 2023 Darren Hendler deposition transcript, which I have highlighted to show the cited  
11 testimony.

12           35. Attached hereto as Exhibit 34 is a true and correct copy of an excerpt from the  
13 Declaration of Kenneth A. Pearce in Support of Opposition to Appointment of Special Master Re  
14 Asset Return filed in *Shenzhenhai Haitiecheng Science and Technology Co., Ltd. v. Rearden LLC et*  
15 *al.* (Case No. 4:15-cv-00797-JST) dated March 15, 2019. I highlighted this document to show the  
16 portions cited in the brief.

17           36. Attached hereto as Exhibit 35 is a true and correct copy of the Medusa | Disney  
18 Research Studios webpage located at <https://studios.disneyresearch.com/medusa/> and last accessed  
19 on August 2, 2023.

20           37. Attached hereto as Exhibit 36 is a true and correct copy of the Rearden Companies -  
21 Innovation Incubation webpage located at <http://www.rearden.com/index.php> and last accessed on  
22 August 2, 2023.

23           38. Attached hereto as Exhibit 37 is a true and correct copy of the Beauty and the Beast  
24 US Official Trailer - YouTube webpage located at  
25 [https://www.youtube.com/watch?v=OvW\\_L8sTu5E](https://www.youtube.com/watch?v=OvW_L8sTu5E) and last accessed on August 2, 2023.

39. Attached hereto as Exhibit 38 is a true and correct copy of the Beauty and the Beast cast live Q&A on Facebook - YouTube webpage located at [https://www.youtube.com/watch?v=R9mKV\\_gklgw](https://www.youtube.com/watch?v=R9mKV_gklgw) and last accessed on August 2, 2023.

40. Attached hereto as Exhibit 39 is a true and correct copy of the Beauty and the Beast press conference Emma Watson, Luke Evans, Josh Gad, Bill Condon & Alan Menken - YouTube webpage located at [https://www.youtube.com/watch?v=4h\\_YlIMlUkc](https://www.youtube.com/watch?v=4h_YlIMlUkc) and last accessed on August 2, 2023.

41. Attached hereto as Exhibit 40 is a true and correct copy of an article titled "Contour mapping intricate detail: Mova revolutionizing motion-capture process with new system," from The Hollywood Reporter dated July 31, 2006 and located at <http://www.mova.com/pdf/Contour-HollywoodReporter-060731-2.pdf>.

42. Attached hereto as Exhibit 41 is a true and correct copy of an article titled "Now Starring . . . Digital People", from the New York Times dated July 31, 2006.

43. Attached hereto as Exhibit 42 is a true and correct copy of an article titled "Digital Replicas May Change Face of Films", from The Wall St. Journal dated July 31, 2006, located at <http://on.wsj.com/2teIRbO>.

44. I declare that the foregoing is true and correct under penalty of perjury.

DATED: August 3, 2023

Signed in Seattle, Washington, by:

/s/ Mark Carlson

Mark Carlson